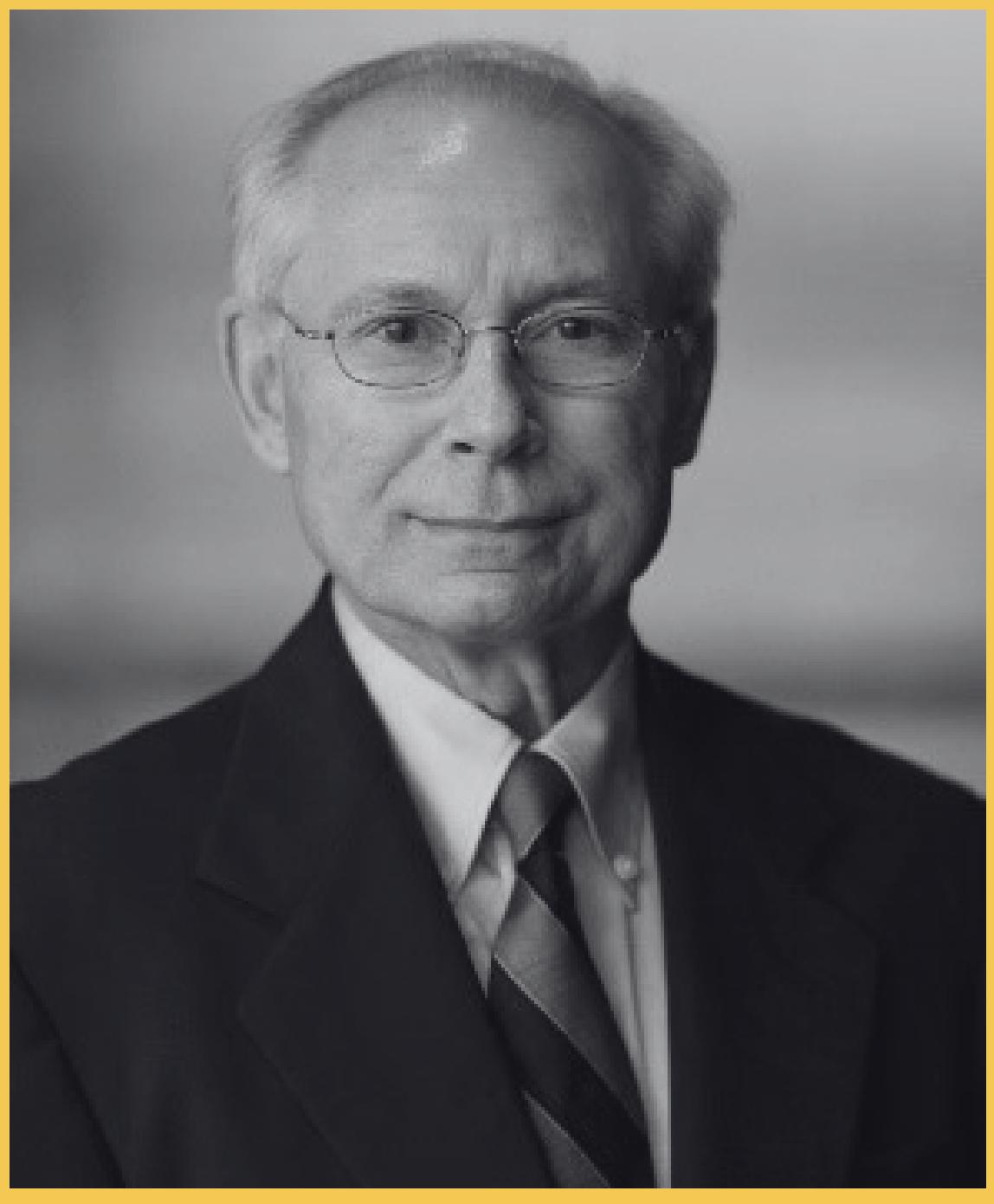


# Faces of the Case

## *Frontiero v. Richardson (1973)*



### ATTORNEY JOSEPH J. LEVIN JR

Joseph J. Levin Jr. was born in Montgomery, Alabama, in 1933. He attended the University of Alabama and earned both an undergraduate and a law degree. While attending the University of Alabama, Levin was a member of a Jewish fraternity, and one of his fraternity brothers wrote an opinion piece that supported integration. The article resulted in a flurry of hate toward the fraternity, with the Ku Klux Klan burning a cross in their yard. This experience changed his outlook on society, and he became committed to civil rights in the United States. Later, he co-founded the Southern Poverty Law Center (SPLC) alongside Morris Dees.

Sharron and Joseph Frontiero approached Mr. Levin about a potential civil rights case. The couple wanted to challenge federal law, specifically concerning the military dependency benefits. Levin agreed to take the case. Initially, the Frontieros lost their challenge in district court, however, during the Supreme Court appeal. Mr. Levin advocated for **intermediate scrutiny**, a new type of analysis. His argument persuaded the Court to focus on the fundamental issue of the case: sex discrimination. Levin's argument in *Frontiero v. Richardson* (1973) and his other civil rights work made a pivotal impact on Montgomery, as well as the United States.

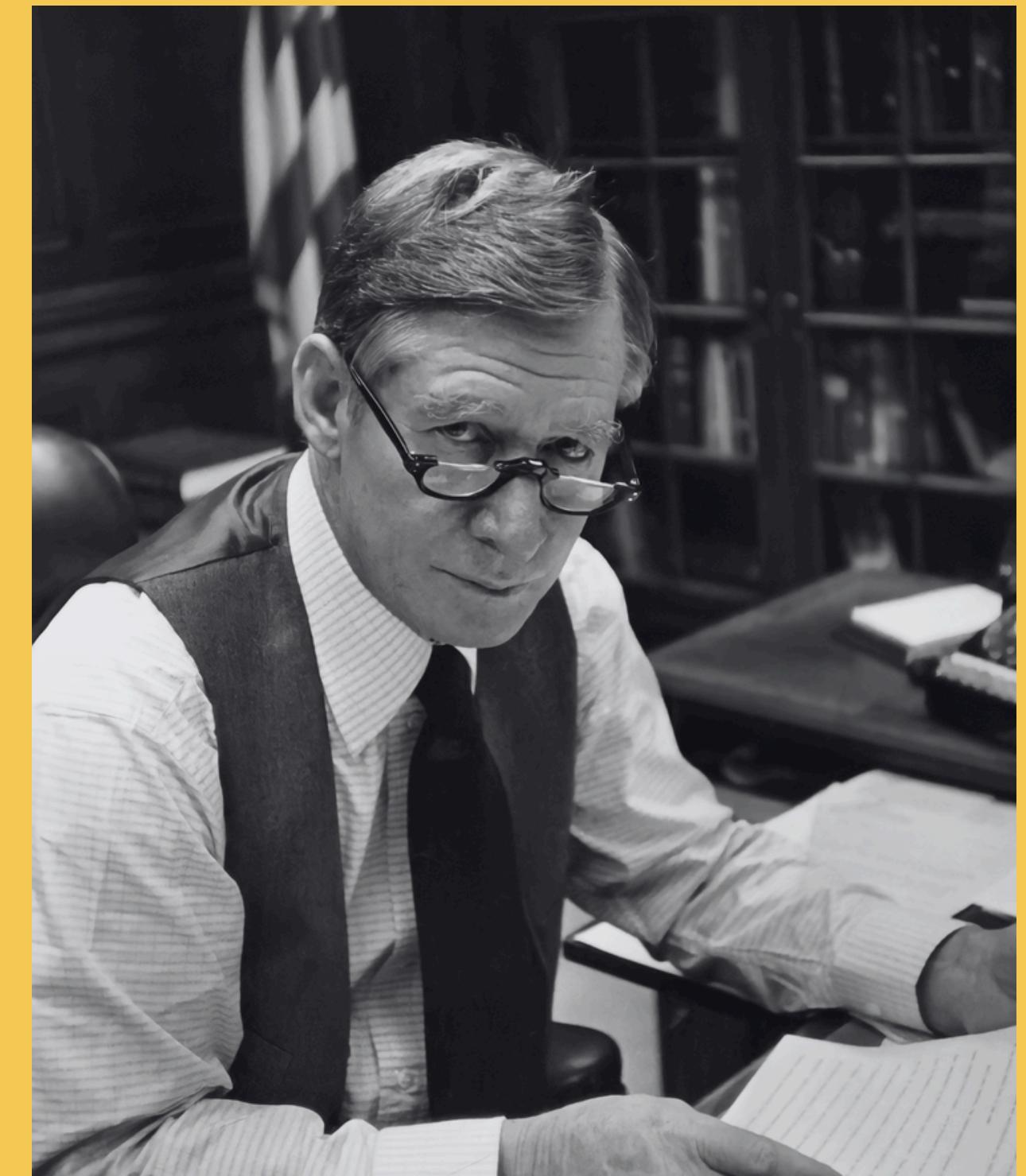
*"It's a personal right... to be free from discrimination in employment."*

-Attorney Joseph J. Levin Jr.

### JUDGE FRANK M. JOHNSON JR

Judge Frank M. Johnson was born in Haleyville, Alabama, on October 30, 1918. He graduated from the University of Alabama School of Law in 1943. Johnson was appointed as a district judge by President Eisenhower in 1955. While serving as a district judge, he played a crucial role in shaping civil rights in Alabama. He is also credited with authorizing the 1965 Civil Rights March from Selma to Montgomery, among many other rulings against racial segregation. The media villainized Judge Johnson for pro-civil rights rulings and he faced enormous scrutiny.

During his tenure as a federal district judge, he sat on the three-judge panel that ruled on *Frontiero v. Laird* (the district trial). He served alongside Judge Rives (Fifth Circuit) and Judge McFadden (Northern District of Alabama). The outcome of the case was a 2-to-1 vote in favor of the government. Judge Johnson dissented. Johnson's dissent highlighted the discrimination that was rooted in the heart of the case. His words inspired Joe Levin, the Frontieros' attorney, to appeal the decision to the Supreme Court. Ultimately, in 1973, the Supreme Court agreed with Mr. Levin's arguments that reflected Johnson's dissent.



*"As an initial point, I take issue with the majority's conclusion that the classification under attack here is not based solely on sex."*

-Judge Johnson's Dissent

### PROFESSOR RUTH BADER GINSBURG

On March 15, 1933, in Brooklyn, NY, Ruth Bader Ginsburg was born to a Jewish family of five, the youngest of her two siblings. She graduated from Columbia University after completing her first two years at Harvard Law School and serving on the Harvard Law Review. Ginsburg spent much of her law career advocating for women's rights. She partnered with the American Civil Liberties Union (ACLU) and drafted briefs in landmark gender equality cases such as *Reed v. Reed* (1971).

Ginsburg participated in the *Frontiero v. Richardson* (1973) oral argument before the Supreme Court as an amicus curiae representative—third-party speaker who provided additional information to the court—for the ACLU. During her argument before the Court, Ginsburg argued for a more heightened scrutiny, known as **strict scrutiny**, for sex-based discrimination. Attorney Levin yielded 10 minutes of his oral argument for Ginsburg; during those 10 minutes, she detailed numerous statistics and precedents to support strict scrutiny. Surprisingly, Ginsburg was asked no questions by the Justices.

In 1980, President Bill Clinton nominated Ruth Bader Ginsburg to the Supreme Court of the United States. Upon her successful confirmation, she became the second woman to serve in that capacity.

*"Sex like race is a visible, immutable characteristic bearing no necessary relationship to ability."* - Professor Ruth Bader Ginsburg

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